UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,260	11/02/2001	Roberto Perelman	07844-501001	5097

21876 7590 10/06/2005		EXAMINER
FISH & RICHARDSON P.C.		TIV, BACKHEAN
P.O. Box 1022		
MINNEAPOLIS, MN 55440-1022	ART UNIT	PAPER NUMBER
	2151	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Advisory Action *Before the Filing of an Appeal Brief*	Application No. 10/006,260	Applicant(s) PERELMAN ET AL.	
	Examiner Backhean Tiv	Art Unit 2151	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>19 September 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>*NONE*</u>.

   Claim(s) objected to: <u>*NONE*</u>.

   Claim(s) rejected: <u>*1-40*</u>.

   Claim(s) withdrawn from consideration: <u>*NONE*</u>.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.
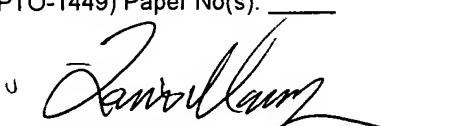
ZARNI MAUNG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 9/19/05 have been fully considered but they are not persuasive. The applicant argues:
a)Szabo does not teach, "an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device". The applicant argues that XML document will appear differently on different platforms depending on the software used to open and display the XML document.
b) Dilworth does not teach, ""an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device". The applicant argues that the publisher of an HTML document has no final control over how the document will appear to an end user, because presentation of an HTML document, either by display on a monitor or by printing, is determined by the Web browser. Thus, HTML formats does not describe the claimed electronic document having a predetermined format that defines an appearance.
c)D'Arlach does not teach, "generating instructions to modify an electronic document, the generated instructions specifying one more operations to modify the electronic document at the client to accommodate the produced data, ad the generated instructions to be performed at the client to effect the one or more operations".
d) D'Arlach does not teach, "generated instructions further comprise at least one tag indicating an order in which the produced data is to be imported into the electronic document and the instructions are to be performed."
e) D'Arlach does not teach, "adding information to the electronic document without changing pre-existing information in the electronic document".
f) D'Arlach does not teach, "script"
In reply to a);Szabo does teach, "an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device". Szabo teaches XML and HTML, both of these formats are forms of an electronic document that defines an appearance which is independent of a device. Both of these formats can be displayed with any system with different OS, e.g. Windows NT, Windows 98, Windows 2000, with the same appearance. The applicant recites an example of an electronic document that is independent of a device, a PDF file. One ordinary skill in the art knows that a PDF can only be viewed by Adobe Reader. So no matter what OS system, Adobe Reader must be installed on that OS in order for a person to view a PDF. If a person installs, for example, Microsoft Explorer on any OS system, then a XML or HTML page will have the same appearance on any OS system.
In reply to b); Dilworth does teach, ""an electronic document having a predetermined format that defines an appearance of the electronic document independent of a device". Dilworth teaches HTML. See Replay A.
        In reply to c); D'Arlach does teach, "generating instructions to modify an electronic document, the generated instructions specifying one more operations to modify the electronic document at the client to accommodate the produced data, ad the generated instructions to be performed at the client to effect the one or more operations". D'Arlach teaches that a user can modify a template. The template has instructions for modification.
In reply d); D'Arlach does teach, "generated instructions further comprise at least one tag indicating an order in which the produced data is to be imported into the electronic document and the instructions are to be performed." D'Arlach teaches building and/or modifying an HTML page. One ordinary skill in the art knows that all HTML pages uses tags.
In reply to e) D'Arlach does teach, "adding information to the electronic document without changing pre-existing information in the electronic document". D'Arlach teaches that a user can modify certain aspects of the webpage.
In reply to f) D'Arlach does teach, "script". D'Arlach teaches a webpage, inherently scripts are used for webpages..